REMARKS

Claims 1-9, 11-14, and 16-24 are pending in the application. Claims 17-24 have been withdrawn from consideration as being directed to non-elected subject matter. Independent claims 1, 2, 11, and 16 have been amended to overcome the rejections under 35 USC 112, but are not amended substantively. The amendments are fully supported by the application as originally filed.

Independent claims 1, 2, 11, and 16 each recite a recording medium including a data recording region and an encryption data recording region, in which information and encryption information are recorded, respectively, using an identical kind of recording system, where the recording system is a rewritable recording system and "the encryption data recording region is configured to be rewritten with the encryption information."

Claims 1-9, 11-14, and 16 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. On page 4 of the Office Action of 10/04/2007, it was stated: "In particular, the examiner did not find the support for the newly introduced limitations: 'the encryption information is configured to be rewritten in the encryption data recording region.'"

Claims 1-9, 11-14, and 16 also were rejected under 35 USC 112, second paragraph, as being indefinite. On page 4 of the Office Action of 10/04/2007, it was stated that the meaning of the above limitation "cannot be ascertained. In light of the specification, the encryption information is simply data, which is used in the encryption process of information in the data recording region. Thus it is not clear how such data can be configured."

However, in amended claims 1, 2, 11, and 16, the phrase "the encryption information is configured to be rewritten in the encryption data recording region" has been replaced with "the encryption data recording region is configured to be rewritten with the encryption information."

In response to the rejections under 35 USC 112, first and second paragraphs, as described in the Applicant's specification, disk identification information (i.e., "encryption information") is recorded in a rewritable recording system. If the disk identification information is not correctly recorded, the disk identification information can be recorded again in an encryption data recording region *as claimed*. In other words, the encryption data recording region is configured to be rewritten with the disk identification information (encryption information).

The following references to the Applicant's originally filed specification provide support for the Applicant's claimed invention:

> In the encryption data recording region 11, disk identification information has been recorded in advance by magneto-optical recording (hereinafter "recording") before the disk 1 goes on sale. Disk identification information (identification information) includes production number data and encryption key data (encryption information) (specification at page 14, lines 4-10, emphasis added).
>
> The detecting apparatus for manufacturing disks records the disk identification information on the encryption data recording region 11 at the same time it tests the disk 1 (specification at page 27, lines 13-16, emphasis added).
>
> As described above, in the manufacturing method of the disk 1, the disk identification information is recorded in the rewritable recording system that is the same as the recording system in which data is recorded on the disk 1 by user. Therefore, if the data as intended to record is not recorded properly, re-recording is possible (specification at page 34, lines 3-10, emphasis added).

As described above, the Applicant's claimed recording and reproducing apparatus (and the claimed method and recording medium) includes an encryption data recording region for recording encryption information, and "the encryption data recording region is configured to be rewritten with the encryption information."

Claims 1-9, 11-14, and 16 were rejected under 35 USC §103(a) as being unpatentable over PCT Publication WO 00/07182 to Tosaki et al. ("Tosaki") in view of U.S. Patent 6,587,948 to Inazawa et al. ("Inazawa"). This rejection is respectfully traversed.

Regarding the rejection of independent claims 1, 2, 11, and 16 over the proposed combination of Tosaki in view of Inazawa, the proposed combination does not teach or suggest a rewritable recording system used to record encryption information in an encryption data recording region, where "the encryption data recording region is configured to be rewritten with the encryption information."

On pages 6-7, paragraph #11 of the Office Action of 10/04/2007, column 2, lines 65-67 of Tosaki was cited allegedly for teaching a rewritable recording system. However, Tosaki merely teaches that an optical disk used as a recording medium can be a rewritable disk such as DVD-RW or CD-RW.

One of ordinary skill in the art would know that DVD-RW and CD-RW are conventional rewritable disks that can be rewritten by users, i.e., the user data can be rewritten.

However, DVD-RW and CD-RW are not provided with encryption data recording regions capable of being rewritten. The "RW" or rewritable feature of these disks refers to the ability to rewrite user data, and such disks conventionally are not configured to rewrite an "encryption data recording region" with encryption information or disk identification information *as claimed.*

Therefore, even if Inazawa was somehow combined with Tosaki, the proposed combination would not teach or suggest at least a rewritable recording system in which an encryption data recording region is configured to be rewritten with encryption information, as recited in independent claims 1, 2, 11, and 16.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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